

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHANTA GARDEN, individually and as
Parent and Next Friend of her two minor
children,

PLAINTIFF

v.

BOSTON HOUSING AUTHORITY and
BROMELY-HEATH TENANT
MANAGEMENT CORPORATION,

DEFENDANTS.

CASE NO. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1331, “the district courts shall have original jurisdiction of all civil actions arising out of the Constitution, laws, or treaties of the United States.” The Defendants, Boston Housing Authority and Bromley-Heath Tenant Management Corporation [collectively, “the Defendants”], pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, hereby file their Notice of Removal of the above-described action to the United States District Court for the District of Massachusetts, and in support thereof, state the following:

(1) BACKGROUND.

On or about December 11, 2013, the Plaintiff filed a Complaint in the City of Boston Division of the Housing Court Department against the Defendants, in the action of *Shanta Garden, individually and as Parent and Next Friend of her two minor children v. Boston Housing Authority and Bromley-Heath Tenant Management Corporation*, Civil Action No. 13H84CV1104.

Subsequently, on or about February 13, 2014, counsel for the Plaintiff submitted a proposed First Amended Complaint to defense counsel *via* e-mail. The proposed First Amended Complaint was forwarded to defense counsel for review in conjunction with the Plaintiff's anticipated Motion for Leave to Amend Complaint and Add Defendant. The Proposed First Amended Complaint sought to combine the discrimination claims set forth in the Plaintiff's pending complaint before the Massachusetts Commission Against Discrimination ("M.C.A.D.") with her civil action. Additionally, the amended pleading seeks to add a defendant, William McGonagle.

Defense counsel was served with the Plaintiffs' Consent Motion for Leave Amend Complaint and Add Defendant on or about February 21, 2014.

(2) BASIS FOR REMOVAL.

The Plaintiff's Complaint contains ten causes of action against the Defendants, two of which arise under federal law. Specifically, the Plaintiff claims that the Defendants failed to remedy the conditions in her apartment unit and unlawfully delayed offering her an appropriate apartment unit that accommodated her children's disabilities, in violation of federal discrimination laws, the Fair Housing Act, and in violation of the Plaintiff's substantive due process rights under the Fourteenth Amendments of the United States Constitution, and in violation of 42 U.S.C. §§ 3601 and 1983.

The factual basis for each of the Plaintiff's claims arises from the alleged discriminatory conduct of the Defendants. Moreover, the Plaintiff's personal injury claims, and alleged damages, are claimed to have resulted from the Defendants' alleged violations of federal law. Thus, the essence of the Plaintiff's claims against the Defendants arises under federal law.

Subject matter jurisdiction of the matter is therefore appropriate in Federal Court under the “Federal Question” doctrine. 28 U.S.C. § 1331.

(3) PROCEDURAL REQUIREMENTS.

The Defendants are within the thirty day time period for filing a Notice of Removal under 28 U.S.C. § 1446(b). A copy of the e-mail communication from the plaintiff’s counsel dated February 13, 2014 and the proposed First Amended Complaint are attached hereto as “A”. The Defendants are giving written notice of the filing of this Notice of Removal to the Plaintiff and her counsel, as required by 28 U.S.C. § 1446(d). A copy of this Notice of Removal is being filed with the Clerk of the Northeast Division of the Housing Court, as required by 28 U.S.C. § 1446(d).

The Defendant,
Boston Housing Authority,
By its attorneys,

/s/ Roy W. Bjorlin
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The Defendant,
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By its Attorney,

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Date: March 12, 2014

CERTIFICATE OF SERVICE

I, Roy W. Bjorlin, hereby certify that on the 12 day of March, 2014, I caused a copy of Notice of Removal to be served electronically, through the ECF system.

/s/ Roy W. Bjorlin